

## SECTION 4.2.2: SICK LEAVE.

- (a) Definition. Sick Leave is paid time off which may be used when an employee is absent from duty.
- (1) Personal Sick Leave. Sick leave is paid leave earned and granted to an eligible employee for absences from work caused by personal illness or injury, for emergency or routine medical or dental appointments, and for reasonable travel time to and from health care facilities. An employee who is incapacitated for work because of pregnancy may be granted sick leave upon presentation of satisfactory evidence from a physician verifying incapacitation.
- (2) Care for Immediate Family Member. "Immediate Family" means husband, wife, child, stepchild, brother, stepbrother, sister, stepsister, parent, stepparent, or any person serving as a parent, or who has served as a parent, or any other person living in the same household as the employee.

<b>Paid Sick Leave Eligibility In a 12 Month Period To Care for Immediate Family Member</b>		
<b>Union Code</b>	<b>Sick Leave Limit To Care for a Family Member Who is Ill or Injured</b>	<b>Additional Sick Leave Request in Excess of the Maximum Limit to Care for a Family Member Who is Critically or Terminally Ill</b>
AE, CE, CEM, CL, CM, CR, EM, FS, HS, MA, MM, NA, NE, NM, NS, PO, PR, PS, RN, SO, SS, SW, UM	80 Hours	Is available to the employee when granted by the appointing authority upon receipt of satisfactory verification from a physician.
DI, DM, DS, PD, PM, SM	60 Hours	
CC, CS	5 Work Days	
AM, AS, DA	52 Hours	May be available to the employee when granted by the appointing authority upon receipt of satisfactory verification from a physician.

(Amended 09/25/09, Ord. No. 10008)

- (b) Eligibility. Employees eligible to earn sick leave are those employees who are paid at a biweekly rate, and who have regularly

scheduled paid service of not less than one-half of the standard eighty (80) hour pay period or standard eighty-five (85) hour work period for employees in DS or SM units.

- (c) Earnings. Eligible employees shall earn sick leave credit at the rate of five percent (5%) of the employee's regularly scheduled hours per pay period. The hour/day approximate equivalent sick leave accrual for full-time employees over one year (26 pay periods) is one hundred four (104) hours, or thirteen (13) days. Sick leave is credited in units of one-tenth (1/10) of one hour, up to a maximum of four (4) hours, at the beginning of the pay period following the one in which it was earned.

- (1) Earn Rate. Eligible employees shall earn sick leave credit at the rate of five percent (5%) of the employee's regularly scheduled hours per standard work period. The hour/day approximate equivalent sick leave accrual for full-time employees over one year (26 pay periods) is one hundred ten and one-half (110½) hours, or thirteen (13) days. Sick leave is credited in units of one-tenth (1/10) of one hour, up to a maximum of four-and-one-quarter (4.25) hours at the beginning of the standard work period following the one in which it was earned.

Eligible Classes: Classes designated DS and SM.

- (2) Irregular or Rotating Shifts. Paid service during one (1) pay period shall not be considered in computing sick leave earned during any other pay period except when a full-time employee works irregular or rotating shifts that average the full schedule, as defined in Section 1.5.1 (Work Periods). Such employee shall earn the normal full amount of sick leave, but not more than the normal full amount, for each such pay period worked.

- (3) Advanced Credit. Employees first employed, or reemployed after a break in service when earned sick leave is not restored, shall be advanced eighty (80) hours of sick leave credit at the time of employment. Employees receiving advanced sick leave credit shall not accrue additional sick leave credits during the pay periods that the credited 80 hours were advanced.

Eligible Classes: Classes designated CEM, EM, MA, NM, NA, NE and UM.

- (4) Pandemic Advanced Credit Leave. During a Pandemic, as declared by the Board of Supervisors and/or Chief Administrative Officer, employees who are ill with flu like symptoms, as defined by the Centers for Disease Control, and have exhausted all leave balances, may request and shall be advanced up to 80 hours of sick leave per fiscal year.

- (a) The advanced sick leave credits are treated like regular sick leave and can be taken in units of 1/10 of an hour for either the employee or the care of an employee's immediate family member as defined in Section 4.2.2. (a)(2) above.
- (b) Advanced sick leave credits cannot be used in conjunction with Voluntary Time Off.
- (c) Once an employee returns to work and begins accruing sick leave, the credit for the new sick leave hours will reduce the negative sick leave balance before any positive hours are credited.
- (d) If an employee separates from County service and is at a negative sick leave balance, the employee will be required to repay the sick leave from their final pay out.
- (e) This leave shall not be available to any employee currently on an approved leave of absence.
- (f) This provision shall only be operative through June 30, 2014 for employees in all eligible classes; and June 25, 2015 for employees in classes designated PD and PM.

(Added 10/23/09, Ord. No. 10016)  
(Amended 06/17/11, Ord. No. 10153)  
(Amended 06/29/12, Ord. No. 10215)  
(Amended 07/12/13, Ord. Nos. 10268, 10269)  
(Amended 08/09/13; Ord. No. 10277)

- (5) Reserve Sick Leave Credit. At time of hire, an eligible employee is credited ten (10) days reserve sick leave pending normal accrual during the first year of employment.

Eligible Classes: Classes designated AM, AS, CC, CS, DA, PD and PM.

- (d) Use of Sick Leave.

- (1) Availability of Credits. Sick leave credit shall be available for use on the first day of the pay period following the pay period in which it was earned, and not before. No sick leave shall be granted in excess of the employee's credits, except as stated in subsection (c)(3) and (4) (Earnings) above.
- (2) Minimum Unit. Sick leave credit is taken in units of one-tenth (1/10) of an hour.
- (3) Holidays. Paid holidays immediately preceding, immediately following, or wholly within the period for which sick leave is granted shall not be regarded as part of such period of sick leave.
- (4) Illness Occurring During Vacation. Upon request of an employee the appointing authority may allow the substitution of sick leave for paid vacation provided the employee furnishes a doctor's statement or other satisfactory evidence that the employee was ill or injured as set forth below:

Union Code	Substitution of Sick Leave for Paid Vacation	
	Illness or Injury Requirement	Allowable Substitution
AE, CE, CEM, CL, CM, CR, EM, FS, HS, MA, MM, NA, NE, NM, NS, PD, PM, PO, PR, PS, RN, SO, SS, UM	Three (3) or more consecutive days	Three (3) or more days
AM, AS, CC, CS, DA	Three (3) or more consecutive days	Five (5) or more days
DS, SM, SW	Five (5) or more consecutive days	Five (5) or more days
DI, DM	Twenty-four (24) or more consecutive hours	Twenty-four (24) Hours

- (5) Adoption of Child. Employees in eligible classes listed below shall be entitled to use up to eighty (80) hours of their accrued sick leave to make arrangements for the adoption of, and to care for, the adopted child.

Eligible Classes: Classes designated CE, CEM, SO, MA, UM, EM, NA, NE and NM.

- (6) Combination with Bereavement Leave. An employee shall be entitled to use two (2) days of sick leave as bereavement leave.
- (7) Combination with Labor Code Section 4850 Leave. A person receiving paid leave pursuant to Labor Code Section 4850 shall not use paid sick leave unless and until Labor Code Section 4850 paid leave is exhausted.
- (e) Request for Sick Leave.
- (1) Each request for sick leave shall set forth the reasons for the request and such further information as may be required.
- (2) Requests for more than the number of consecutive work days/hours of sick leave specified below shall be accompanied by a doctor's verification or other evidence satisfactory to the appointing authority which demonstrates the employee's incapacity to return to work or necessity to be absent. Requests because of the death of a member of the employee's immediate family will not require such verification. Employees shall not be required to present such verification for sick leave purposes until after the expiration of the consecutive days/hours below unless their appointing authority has good cause to require earlier verification and has so informed the employee prior to or during the employee's absence.

Sick Leave Verification Summary	
Union Code	Verification Required
AE, AM, AS, CE, CEM, CL, CM, CR, DA, DS, EM, FS, HS, MA, MM, NA, NE, NM, NS, PD, PM, PO, PR, PS, RN, SM, SO, SS, UM	Five (5) work days or earlier. The appointing authority may require such earlier verification.
CC, CS, SW	Five (5) work days, or forty (40) hours if employee is on an alternate work schedule.
DI, DM	Forty (40) hours

- (f) Payoff of Unused Sick Leave. Cash payment and credit toward retirement for employees' unused sick leave credits.
- (1) Ineligible for Compensation. Employees who enter County service on or after July 1, 1979 (June 25, 1981 for

employees in classes designated DS and SM and June 30, 1979 for employees in classes designated SW) shall not be eligible for compensation for any of their unused sick leave credits, except for employees in classes designated EM, NA, NE and UM which are defined in subsection (h) (Conversion of Sick Leave Credits to Cash at Termination or Retirement) below.

- (2) Eligible for Compensation. An employee who entered County service prior to July 1, 1979 (June 25, 1981 for employees in classes designated DS and SM and June 30, 1979 for employees in classes designated SW) with ten (10) or more years of continuous service during that employee's present employment who retires, voluntarily terminates, dies, discontinues earning sick leave credits by reason of that employee changing from being paid at a biweekly rate, is elected to County Office, or is laid off, shall be paid twenty-five percent (25%) of that employee's accumulated sick leave credits on one of the payout ranges below. An employee who received such compensation shall have no right to restoration of any sick leave credit upon return to County service. Use the table in subsection (a) below to determine the appropriate payout range for all eligible employees except MA and the table in subsection (b) to determine the appropriate payout range for eligible MA employees.

- (a) Steps to Compute 25% Payout.

<b>All Eligible Employees (Except Employees in Classes Designated MA as of June 28, 1979)</b>		
\$ 0	to	\$ 6,000
6,001	to	7,000
7,001	to	8,000
8,001	to	9,000
9,001	to	10,000
10,001	to	11,000
11,001	to	12,000
<p>Cash payout for unused sick leave credits shall not exceed the upper limit of the range at which the employee's unused credits lie as of June 28, 1979 (June 24, 1981 for employees in classes designated DS and SM and June 30, 1979 for employees in classes designated SW).</p> <p>Steps to Compute 25% Payout.</p> <ol style="list-style-type: none"> <li>1. Using above dates calculate the value of 25% of the final sick leave balance at the wage rate in effect on the applicable date shown above and identify the payout range in which this amount falls.</li> <li>2. Calculate the value of 25% of the final wage rate.</li> <li>3. The cash payout shall be the lesser of the upper limit of the range identified in step 1 or the calculated value from step 2.</li> </ol>		

(b) Steps to Compute 25% Payout - MA Classes.

<b>Employees in Classes Designated MA as of June 28, 1979</b>	
\$ 0 - 6,000	\$ 19,001 - 20,000
6,001 - 8,000	20,001 - 21,000
8,001 - 9,000	21,001 - 22,000
9,001 - 10,000	22,001 - 23,000
10,001 - 11,000	23,001 - 24,000
11,001 - 12,000	24,001 - 25,000

<b>Employees in Classes Designated MA as of June 28, 1979</b>	
12,001 - 13,000	25,001 - 26,000
13,001 - 14,000	26,001 - 27,000
14,001 - 15,000	27,001 - 28,000
15,001 - 16,000	28,001 - 29,000
16,001 - 17,000	29,001 - 30,000
17,001 - 18,000	30,001 - 31,000
18,001 - 19,000	31,001 - 32,000
<p>Cash payout for unused sick leave credits shall not exceed the upper limit of the range at which the employee's unused credits lie as of June 28, 1979.</p> <p>Steps to Compute 25% Payout.</p> <ol style="list-style-type: none"> <li>1. Using above dates calculate the value of 25% of the final sick leave balance at the wage rate in effect on the applicable date shown above and identify the payout range in which this amount falls.</li> <li>2. Calculate the value of 25% of the final sick leave balance at the employee's final wage rate.</li> <li>3. The cash payout shall be the lesser of the upper limit of the range identified in step 1 or the calculated value from step 2.</li> </ol>	

(Amended 10/04/13, Ord. No. 10290)

(g) Conversion of Sick Leave Credits to Retirement Service Credit.

- (1) Eligible employees in classes listed below, may, upon retirement, deferred retirement, disability retirement from County Service, or death, convert all or a portion of their sick leave balance into retirement service credits subject to the rules and regulations of the San Diego County Employees' Retirement Association, provided that:
  - (a) The employee has completed five (5) or more years of continuous service during that employee's present employment; and



- (b) The employee's sick leave balance totals one hundred (100) hours or more.

Eligible Classes: Classes designated CE, CEM, MA, EM, NA, NE, NM, NS, SO and UM.

- (2) Upon retirement, deferred retirement, disability retirement from County Service, or death, an eligible employee's sick leave balance may be converted into retirement service credits subject to the rules and regulations of the San Diego County Employee's Retirement Association, provided that:

- (a) The employee has completed ten (10) or more years of continuous service during that employee's present employment; and
- (b) The employee's sick leave balance totals three hundred (300) hours or more; and therefore,
- (c) Employees with ten (10) or more years of service may convert one hundred percent (100%) of their total sick leave credits.

Eligible Classes: Classes designated AE, AM, AS, CC, CL, CM, CR, CS, DA, DI, DM, DS, FS, HS, MM, PD, PM, PO, PR, PS, RN, SM, SS, and SW.

- (3) Employees eligible under both subsection 4.2.2(f) and subsection 4.2.2(g) may elect to:

- (a) Receive their full cash payment under subsection 4.2.2(f) (Payoff of Unused Sick Leave) and then convert their remaining eligible hours under subsection 4.2.2(g) (Conversion of Sick Leave Credits to Retirement Service Credit); or
- (b) Waive receiving full cash payment under subsection 4.2.2(f) (Payoff of Unused Sick Leave) and convert their eligible hours under subsection 4.2.2(g) (Conversion of Sick Leave Credits to Retirement Service Credit).

(h) Conversion of Sick Leave Credits to Cash at Termination or Retirement.

- (1) Upon retirement, deferred retirement, disability retirement from County service, death or termination, all or a portion of an eligible employee's sick leave balance may be converted to cash at fifty percent (50%) of its value, except as

otherwise provided in subsection 4.2.2(h)(2) below. One hundred percent (100%) of all sick leave credits that are paid to the employee in cash at fifty percent (50%) of their value will be removed from the employee's sick leave balance. An employee eligible under this subsection and also subsection 4.2.2(g)(1) above may convert any unpaid portion of the sick leave balance to retirement credit.

Eligible Classes: Classes designated EM, NA, NE and UM.

(2) Terminal Pay Plan.

- (a) All employees shall participate in the County's Terminal Pay Plan (Plan). However, only the terminal paychecks (including sick leave, if applicable) of those employees who have reached the age of fifty-five (55) (age fifty (50) for employees in classes designated DS, SM, and Classes 000160, 000260 and 000265) shall be placed into the Plan. These terminal paychecks shall be placed into the Plan on a pre-tax basis in accordance with the Plan, all applicable laws and all rules and regulations applicable to the Plan.

(Amended 04/11/08, Ord. No. 9932)

(Amended 09/19/14, Ord. No. 10354)

- (b) Notwithstanding subsections 4.2.2(f) (Payoff of Unused Sick Leave) and 4.2.2(h)(1) above, an eligible employee in classes designated AE, AM, AS, CC, CE, CEM, CL, CM, CR, CS, DA, DI, DM, DS, EM, FS, HS, MA, MM, NA, NE, NM, NS, PD, PM, PO, PR, PS, RN, SO, SM, SS, SW and UM, who is a participant in the County of San Diego Defined Benefit Pension Plan, or the County of San Diego Defined Contribution Savings Plan, or both, on the date of his or her separation from County service, shall not be paid the monetary value of the sick leave balance otherwise payable under subsections 4.2.2(f) and 4.2.2(h)(1) above but, in lieu of such payment, shall receive the benefits provided for under the County of San Diego Defined Benefit Pension Plan and the County of San Diego Defined Contribution Savings Plan, if any.

(i) Cancellation and Restoration of Sick Leave Credits.

- (1) An employee's sick leave credits shall be canceled, subject to subsection (i)(2) below, upon separation from County Classified Service, or upon changing from a biweekly rate of pay.
- (2) Employee sick leave credits accrued at time of separation,

and which have not been subject to payout, shall be restored under the following conditions:

- (a) An employee returns to duty within three (3) years after separation because of layoff or disability retirement; or
- (b) An employee returns to duty within twelve (12) months following separation from temporary or seasonal employment; or
- (c) To the extent that recovery is made by the County either through Workers' Compensation Act benefits or claim against a responsible third party, of compensation, including any salary, vacation, sick leave and retirement credits paid an employee during absence on sick leave. Restored credits shall be computed on the basis of the employee's wage rate granted as sick leave during the time of absence. Credits shall be restored in full hour units with fractions of an hour disregarded.

(j) Sick Leave Incentive Overtime Reduction Pilot Program: DS Classes Only.

(1) Eligibility for Annual Cash-Out.

To be eligible for the annual cash-out program, an employee must have a sick leave balance of at least one hundred and fifty (150) hours in the payroll period immediately preceding the payroll period in which the cash-out payment is made. Further, the employee must have at least ninety-nine (99) hours of sick leave remaining in the employee's balance after the cash-out payment is made.

(2) Sick Leave Cash-Out Schedule.

An eligible employee will have the option to cash out a portion of the employee's sick leave balance based on the six usage levels set forth on the following schedule:

Maximum Annual Usage		Number of Hours of Cash-Out
Level 1:	0 to 8.5 hours	51.0 hours
Level 2:	8.5+ up to 17.0 hours	42.5 hours
Level 3:	17+ up to 25.5 hours	34.0 hours
Level 4:	25.5+ up to 34.0 hours	25.5 hours
Level 5:	34.0+ up to 42.5 hours	17.0 hours
Level 6:	42.5+ up to 51.0 hours	8.5 hours

(3) Administration of Sick Leave Cash-Out Process.

- (a) Time Period for Determining Maximum Annual Usage. The employee's usage of sick leave shall be measured over twenty-six (26) pay periods beginning with payroll 01 in July and ending with payroll 26 of each fiscal year during which this pilot program is in effect.
- (b) Report of Eligible Employees. As soon as practicable following the end of the fiscal year, a report will be prepared listing employees who are eligible for sick leave cash-out. Each eligible employee will be notified of the maximum number of sick leave hours that he/she may opt to cash out.
- (c) Employee Options. An eligible employee may opt to receive cash for all, or a portion of, the hours on the annual sick leave cash-out eligibility report. The sick leave credits that are received by the employee in cash will be removed from his/her sick leave balance.
- (d) The administration of this program is subject to the rules and regulations of the Deputy Chief Administrative Officer/Auditor & Controller.

(Repealed 01/18/08, Ord. No. 9912)

(Added 01/18/08, Ord. No. 9912)

(Amended 01/10/14, Ord. Nor. 10314)

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